

Notice of Allowability

Application No.

09/583,784

Examiner

Tony Mahmoudi

Applicant(s)

NOVAES ET AL.

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response to After-Final Office Action filed on 02-September-2004.
2. ☒ The allowed claim(s) is/are 1-25.
3. ☒ The drawings filed on 31 May 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

C. Rones
CHARLES RONES
PRIMARY EXAMINER

DETAILED ACTION

Remarks

1. In response to the reply to Final Office Action filed on 02-September-2004, claims 1-25 are pending in the application.

Allowance

2. Claims 1-25 are allowed over the prior art made of record.
3. The following is an examiner's statement of reasons for allowance:

The applicant's arguments, made in the response to Final Office Action, filed on 02-September-2004, have been fully considered and are deemed persuasive, in that the prior art made of record does not teach "automatic recovery from multiple overlapping failures without rolling back or without reposting the transaction.

The prior art of record, Torbjørnsen et al (U.S. Patent No. 5,555,404), Biliris et al (U.S. Patent No. 5,966,706), Badovinat et al (U.S. Patent No. 5,805,786), and Duprey et al (U.S. Patent No. 6,671,705), do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claim):

Detecting multiple overlapping failures;

Automatically recovering from said multiple overlapping failures without rolling back said one or more transaction and without requiring a reposting of said one or more transactions, as claimed in claims 1, 2, and 3.

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Claims 4-10 and 25 are allowed over the prior art made of record because they are dependents from the allowed independent claim 1.

Claims 11-17 are allowed over the prior art made of record because they are dependents from the allowed independent claim 2.

Claims 18-24 are allowed over the prior art made of record because they are dependents from the allowed independent claim 3.

Conclusion

4. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (571) 272-4078. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (571) 272-4083.

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November 9, 2004



**CHARLES RONES
PRIMARY EXAMINER**